

**Application No.:** 10/790,670  
**Filing Date:** March 1, 2004

## **REMARKS**

In response to the Office Action mailed March 12, 2009, Applicants respectfully request the Examiner to reconsider the above-captioned Application in view of the foregoing amendments and the following remarks.

### ***Summary of the Office Action***

In the March 12, 2009 Office Action, Claims 35-37 stand rejected. In addition, Claims 3-10 and 27-34 stand allowed, and Claims 38 and 39 stand objected to by the Examiner. Further, Claims 35-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,290,701 issued to Enayati (hereinafter “Enayati”).

### ***Summary of the Amendment***

By this paper, Applicants have amended Claims 35 and 39, and canceled Claims 37 and 38. Accordingly, Claims 3-10, 27-36 and 39 are currently pending in the present Application. By this paper, Applicants respond to the Examiner’s comments and rejections made in the March 12, 2009 Office Action. Applicants respectfully submit that the present Application is in condition for allowance.

### ***In re Rejection under 35 U.S.C. § 102(b), Based on Enayati***

In the Office Action, Claims 35-37 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Enayati. While Applicants reserve the right to prosecute Claim 35 as originally filed, Applicants have also amended Claim 35 in order to expedite prosecution of this Application.

In particular, Claim 35 has been amended to incorporate the objected-to subject matter of Claim 38 (and the subject matter of intervening Claim 37), which was indicated as being allowable subject matter in the Office Action. Accordingly, Applicants respectfully request that the rejection of Claims 35-36 be withdrawn and that these claims be indicated as allowable over the art of record.

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### *Allowable Subject Matter*

Applicants gratefully acknowledge the Examiner's indication that Claims 3-10 and 27-34 are allowed and that Claims 38 and 39 would be allowable if rewritten in independent form. As noted above, Applicants have incorporated the subject matter of Claim 38 into its base claim, Claim 35, thus producing an allowable claim. Accordingly, Applicants believe that all of the pending claims are now in condition for allowance.

### *No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

### **CONCLUSION**

Applicants respectfully submit that the above rejections and objections have been overcome and that the present Application is now in condition for allowance. Therefore, Applicants respectfully request that the Examiner indicate that Claims 3-10, 27-36, and 39 are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicants respectfully submit that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully

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traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present Application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: /Nathan S. Smith/  
Nathan S. Smith  
Registration No. 53,615  
Attorney of Record  
Customer No. 20995  
(949) 760-0404

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